

12752
3 Sept 15

From: Facilities Services Branch Manager, Bangor Facilities Engineering and Acquisitions Department, Naval Facilities Engineering Command
To: George Karl, Engineering Technician, GS-0802-11, Bangor Facilities and Engineering Acquisitions Department, PRB 23, Naval Facilities Engineering Command
Subj: NOTIFICATION OF PROPOSED TWO (2) DAY SUSPENSION
Ref: (a) 5 CFR Part 752
(b) Negotiated Agreement btwn NAVFACNW and IAM&AW District 160, Local lodge 282 dtd 13 Mar 13

1. This is an advance notice of proposed disciplinary action in accordance with references (a) and (b). I am proposing that you be suspended for two (2) days from your position as an Engineering Technician, GS-0802-11, for the reasons described below.

a. Charge: Unacceptable Conduct

Specification I: On 14 May 2015, at approximately 0945, when NAVFAC NW employee, (b)(6)(b)(7)(c) asked you how fellow co-worker (b)(6)(b)(7)(c) was doing, you replied with, "He is at home recovering from constantly being bullied and harassed by management, the typical NAVFAC bullshit!" You then stated to (b)(6)(b)(7)(c) "Of course you wouldn't know anything about that because you're one of management's chosen golden children, that is the only reason you can do no wrong".

Specification II: On 22 May 2015, at approximately 0745, you followed (b)(6)(b)(7)(c) outside building T075A and informed him that he would be contacted soon by your attorney and required to testify as to the unfair hiring practices as he is a prime example of the unfair and unethical hiring that takes place here, and he will be required to testify. You then stated, but don't worry your job isn't in any danger at this time.

Specification III: On 15 May 2015, you attended an Inspector General (IG) debrief for 1 ½ hours during your duty hours. You did not have permission from your supervisor to attend.

Specification IV: On 8 June 2015, at approximately 0740, I requested you come in my office for a meeting. You opened the discussion with something to the effect of, "This isn't going to be about a letter of caution or some other conduct issue that (b)(6)(b)(7)(c) has dreamed up for you, is it?" You pointed your index finger at me several times, and made threats of legal action stating "We'll see when I have a chance to cross examine you in court for your actions."

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Background:

2. On 14 May 2015, (b)(6)(b)(7)(c) was walking toward building T-075 from the parking lot and saw you and (b)(6)(b)(7)(c) standing and talking off the landing. (b)(6)(b)(7)(c) said good morning to you. (b)(6)(b)(7)(c) then inquired, out of concern on how fellow NAVFAC NW employee, (b)(6)(b)(7)(c) was doing because he had left the worksite in an ambulance; you replied similar to the effect he is at home recovering from constantly being bullied and harassed by management, the typical NAVFAC bullshit. (b)(6)(b)(7)(c) responded with "I keep a wide berth from all of that so no, I don't know, nor do I want to." Your response to (b)(6)(b)(7)(c) was, "Of course you wouldn't know anything about that because you're one of management's chosen Golden Children, that is the only reason you can do no wrong."

3. On 22 May 2015, (b)(6)(b)(7)(c) was exiting building T-075A. You followed him outside the building where you requested he stop at which point he did; you then stated something to the effect of I want to let you know that you will be contacted soon by my attorney and required to testify as to the unfair hiring practices that occur at NAVFAC as you are a prime example of the unfair and unethical hiring that takes place here. You, along with others, will have to testify, but don't worry your job isn't in any danger at this time.

4. On 8 June 2015, I requested you come to my office to discuss the Defense Civilian Employee Leadership Program (DCELP) application you submitted. In the meeting you challenged me that the meeting was not about something else like a letter of caution or some other charge that (b)(6)(b)(7)(c) dreamed up to charge you with. You became irritated and began speaking to me in a disrespectful tone while pointing your index finger at me. You then referred to legal actions that you planned to take and stated something to the effect of, "We'll see when I have a chance to cross examine you in court for your actions."

5. Fact finding meetings were held with you concerning these offenses as follows:

a. On 7 August 2015, (b)(6)(b)(7)(c) met with you; (b)(6)(b)(7)(c) Union Representative; and (b)(6)(b)(7)(c) Human Resources Representative. During the discussion (b)(6)(b)(7)(c) asked you if you had a conversation with (b)(6)(b)(7)(c) on 14 May 2015, outside building T-075. You stated, "No, (b)(6)(b)(7)(c) and I only speak about projects. (b)(6)(b)(7)(c) and I sometimes speak outside building T-075". (b)(6)(b)(7)(c) asked you if you stated to (b)(6)(b)(7)(c) that (b)(6)(b)(7)(c) was home recovering from constantly being bullied and harassed by management, the typical NAVFAC bullshit; you stated, "No, I did not say that." When asked if you made the statement to (b)(6)(b)(7)(c) that he was one of managements golden children and that this is the only reason you can do no wrong; you stated that you did not recall saying anything to (b)(6)(b)(7)(c). (b)(6)(b)(7)(c) asked you if you made a statement to (b)(6)(b)(7)(c) on 22 May 2015, telling him that your attorney would be contacting him; you stated that you do not recall talking to (b)(6)(b)(7)(c) about your attorney contacting him.

b. On 26 May 2015, I met with you; (b)(6)(b)(7)(c) Union Representative; and (b)(6)(b)(7)(c) Human Resources Representative. During the discussion I asked you if you attended the IG debrief on 15 May 2015; you stated that you were in Building 1101, at the cafeteria sitting down eating your breakfast for 15 minutes, that the IG debrief was presented in the cafeteria, and

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you stayed longer as you were interested on how the NAVFAC NW debrief differed from other agency's IG debriefs that you have attended in the past on your personal time.

6. The incidents cited above reflect a continued pattern of behavior that is unacceptable and cannot be tolerated. Your remarks towards your peers and supervision are intimidating and disruptive to the workplace. Your behavior toward (b)(6)(b)(7)(c) occurred less than two months after I had issued you a written Counseling Memorandum for similar conduct. On 3 April 2015, you were put on notice via this Memo that if your behaviors; to include misuse of official time, disrespectful conduct, and workplace disruption, continued you could be subject to disciplinary action. This Memo cautioned you that, "your antagonizing, bullying, and intimidating remarks to NAVFAC NW Personnel, in the workplace, are disruptive to the workplace and Command and must stop immediately" and "If this behavior continues you may be subject to disciplinary action". Despite this clear written warning, you continue to display similar conduct toward NAVFAC NW personnel. Additionally, despite the fact that you do not recall the verbal discussion with (b)(6)(b)(7)(c) the fact that the counseling memorandum raises the same types of behaviors; verbal bullying and threatening to sue NAVFAC NW Personnel, I find this is a pattern of similar conduct, providing credibility to (b)(6)(b)(7)(c) allegations against you.

7. The Memo also addresses incidents where you were seeking information unrelated to your official work assignments and cautioned that the use of official time to pursue your own inquiries on matters not related to your official duties constituted misuse of official government time and you could be subject to disciplinary action if it continued. Despite this clear written warning about inappropriate use of official time, you chose to attend a one and a half hour briefing that was not related to your official duties and without supervisory approval, for your own personal interest, during your duty hours.

8. In addition to the above I have also considered your good performance rating, your 7 (Seven) plus years of civilian federal service, your disciplinary record which revealed you have no prior disciplinary actions and your work history which revealed that, in addition to the Counseling Memorandum, on 28 August 2014 you were given a Letter of Caution for failure to follow direction from me. Your disrespectful communications towards me on 8 June 2015 show continued unacceptable conduct toward management personnel. In your Counseling Memorandum, you were cautioned in writing that, "your demanding, and challenging tone of communication towards management officials, is disrespectful and may be subjected to disciplinary action." Despite this clear written warning, your actions on 8 June 2015 show a continued pattern of unacceptable conduct toward management personnel that cannot be tolerated.

9. I have considered alternate sanctions, but find that alternate sanctions would not be effective in correcting your behavior. After evaluating all of the relevant information, I conclude that your actions were unacceptable and that a two (2) day suspension is warranted to correct your behavior.

10. You may answer to this notice orally or in writing or both orally and in writing, submit affidavits and other documentary evidence in support of your answer and be represented by an attorney or other person willing to act as your representative. You and/or your representative

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may review the material(s) relied on to support the reasons for this notice and you will be allowed a reasonable amount of official time to review the material(s) relied on to support the notice, prepare an answer and secure affidavits. Arrangements for official time may be made through me. To make arrangements to review the material(s), or if you have any questions regarding this proposal you may contact (b)(6)(b)(7)(c) Labor and Employee Relations Specialist, NAVFAC Northwest Human Resources Office, at (b)(6)(b)(7)(c)

10. Your response to this notice of proposed suspension may be made to (b)(6)(b)(7)(c) Deputy public Works Officer, Kitsap, either in person, in writing, or via telephone phone at (b)(6)(b)(7)(c) and must be submitted prior to the close of business no later than seven (7) calendar days from the day you receive this letter. Consideration will be given to extending this period if you submit a request to (b)(6)(b)(7)(c) stating your reasons for desiring more time.

11. A written decision will be issued to you as soon as possible after the expiration of your reply deadline. You will remain in a work status pending a final decision.

12. In accordance with Article 19, Section 1904, of reference (b), the Union is to be notified of all written, formal disciplinary actions taken against an employee covered by the agreement unless the employee certifies in writing that the Union shall not be notified.

(b)(6)(b)(7)(c)

Received by:

George Karl
George Karl

7-14-15
Date

Initial here whether or not you wish to have the Union notified:

Yes ✓ No

Copy to:
HRO